

Water Division

TRIBAL TRAINING

EPA / TRIBAL WATER QUALITY DATA ASSESSMENT TOOL PILOT PROJECT

EPA Region 6, in partnership with EPA Headquarters and 20 tribes nationally (10 Region 6) are piloting the development of the Water Quality Assessment Tool (ATTAINS). The ATTAINS tool will allow tribes to report national data on the status of water quality on tribal lands. The ATTAINS Pilot workgroup has been communicating monthly, focusing on the reporting needs that tribes will have when using ATTAINS. The workgroup held a training workshop on October 16-18, 2017 to demonstrate the use of the new assessment tool for tribal staff. The training provided information on water quality standards, QAPP development, and assessment methodology for evaluating water quality data. Tribal staff received hands on experience building an ATTAINS report for their respective tribal program which they will use for end of year reporting for FY2017. *Laura Hunt, 214-665-9729; Lindsey Griffin, 214-665-2797; Mike Schaub, 214-665-7314; Selena Medrano, 214-665-2776; TeAndra Taylor, 214-665-8346; Laura Shumway 202-566-2514*

WATER QUALITY MONITORING PROGRAM TRAINING

EPA Region 6 staff conducted a 2-day training in October in Oklahoma to train beginner to intermediate level tribal staff in the topics related to water quality monitoring programs. Topics that were covered include Monitoring Design and Strategy, Quality Assurance Project Plans, Multi-parameter sonde-pre and post calibration, sonde maintenance and troubleshooting, stream sampling demonstrations, assessment methodologies, tribal assessment reports, and data analysis tools and uploading data. *Laura Hunt, 214-665-9729; Lindsey Griffin, 214-665-2797; Mike Schaub, 214-665-7314; Robert Cook, 214-665-7141*

NPDES PERMITS

STATUS OF NPDES PERMITS

During fiscal year 2017, EPA Region 6 will or may be working on several NPDES permits in New Mexico and Louisiana located on or in proximity upstream to potentially affected Tribes: New Mexico: Roca Honda Resources Uranium Mine; Chama WWTP, Espanola WWTP; Albuquerque-Bernalillo Co. WUA WWTP, Grants WWTP, and Taos WWTP; Louisiana: Chitimacha WWTP and Choctaw Pines Casino WWTP. General Permits already proposed or in the works include: Hydrostatic Test Temporary Discharge General Permit (OK & TX) and a general permit for Municipal Separate Storm Sewer Systems (MS4) in New Mexico (primarily for those in the Santa Fe, Las Cruces, El Paso, Los Lunas, and Farmington areas). Affected tribes will receive copies of the draft permits at the time of proposal for review during the public comment period or CWA Section 401 certification as appropriate. Tribal consultation will be available to the affected tribes. *Brent Larsen, 214-665-7523*

LOS ALAMOS COUNTY MUNICIPAL SEPARATE STORM SEWER (MS4) DESIGNATION PETITION

EPA proposed to designate portions of Los Alamos County as a municipal separate storm sewer system (MS4), which establishes requirements to reduce pollution carried by storm water run-off and will help restore waters in the area that are too polluted. The proposed designation is in response to a petition filed by Amigos Bravos for a determination that storm water discharges in

Los Alamos County are contributing to violations of water quality standards in certain impaired waters and therefore, require a discharge permit and designation as an MS4. After review of the petition, information provided by LANL and Los Alamos County, and the state's water quality assessment, EPA made a preliminary determination that stormwater discharges on Los Alamos National Lab (LANL) property and urban portions of Los Alamos County result in exceedances of state water quality standards. The proposal was published in the Federal Register on March 17, 2015. A final decision is expected fall 2018, concurrent with development of a permit(s) with input from stakeholders *Nasim Jahan 214-665-7522*

LOS ALAMOS NATIONAL LABORATORY (LANL) NPDES PERMIT

EPA Region 6 proposed reissuance of the NPDES permit for stormwater discharges from Los Alamos National Laboratory in Los Alamos, New Mexico in March 2015 and the extended public comment period ended June 25, 2015. The individual storm water permit regulates storm water runoff from about 400 Solid Waste Management Units (SWMUs) and Areas of Concern. LANL has installed over 1000 BMPs to eliminate or mitigate runoff from those sites. The current permit has been administratively continued. EPA has been working with stakeholders including permittees, environmental/citizens groups and New Mexico Environment Department over the last year in the development of permit conditions. EPA held a public meeting prior on the proposal in Los Alamos on May 6, 2015. Final action on the permit is expected fall 2017. *Isaac Chen 214-665-7364*

UNDERGROUND INJECTION CONTROL

INDUCED SEISMICITY

Over the last several years, there have been abrupt increases in earthquakes in some oil and gas production areas. These areas include Arkansas, Kansas, Oklahoma, and Texas, as well as other oil and gas producing states. Of particular note is a dramatic increase in both the numbers of earthquakes in Oklahoma and Kansas, along with their magnitudes. EPA finalized the Underground Injection Control (UIC) National Technical Workgroup (NTW) report, *Minimizing and Managing Potential Impacts of Injection-Induced Seismicity from Class II Disposal Wells: Practical Approaches*. This report was developed cooperatively with state members of the workgroup to protect underground sources of drinking water and was released as final in February 2015. Since release of the report, EPA Region 6 has been providing focused technical support to the Oklahoma Corporation Commission (OCC) in its efforts to address potential induced seismicity. In an effort to stem the increasing earthquake trends, OCC has periodically increased its level of response, culminating in a broad injection volume restriction area for disposal wells after several damaging Magnitude 4 events early this year. The Region ramped up its level of concern over the level of seismicity in Oklahoma and North Texas through its 2015 annual evaluations of the UIC programs for OCC and the Railroad Commission of Texas. Both of these reports generated substantial media coverage because of seismicity concerns. The Region also responded quickly over the Labor Day weekend to shut in Osage disposal wells near the 5.8 Magnitude event near Pawnee, Oklahoma. Since September 2016, the frequency of events has continued to sharply decline and no magnitude 4+ events have occurred since November. The Region is cautiously optimistic about this trend, and recent OCC actions. *Philip Dellinger, 214-665-8324*

DRINKING WATER

REVISED TOTAL COLIFORM RULE AND LEAD AND COPPER RULE

Since April 1, 2016, the Revised Total Coliform Rule (RTCR) became effective for all public water systems. The RTCR replaces the old Total Coliform Rule (TCR) where some of the requirements remain the same (such as frequency and number of routine sampling) and some are new (such as level 1 and 2 assessments). Region 6 and its Technical Assistance Providers continues to deliver RTCR and other regulatory training (such as the Lead and Copper Rule) to tribes and provided technical assistance to help tribes for new rules and refresh tribes on older rules. All tribal water systems under Region 6 completed their RTCR Sampling Plans and all tribal water systems are monitoring under RTCR accordingly. Regarding the Lead and Copper Rule, Region 6 shared the February 2016 Sampling Method Clarification Protocol with tribes and encouraged the tribes to take additional (special) samples when their routine lead sample results approach half (7.5 ppb) of the action level (15 ppb). The purpose of this is to encourage tribes to be proactive in preventing an action level exceedance. Region 6 appreciates the collaboration and cooperation of tribes on the implementation of these two rules, which have been at the forefront of Drinking Water discussions in 2016 and in the coming year. *Meaghan Bresnahan, 214-665-8354, Andrea Abshire, 214-665-6076, Jatin Mistry, 214-665-7483, John Baker, 214-665-7542*

SANITARY SURVEYS AND OVERSIGHT

On the Sanitary Survey front, Region 6 and its technical assistance providers continue to conduct surveys every three years under the Groundwater Rule (GWR) and Surface Water Treatment Rules (SWTRs). In 2016, Region 6 developed a more efficient method and database for tracking, organizing, and updating significant deficiencies; this facilitated our ability to reach out to tribes and provide reminders and technical assistance (on the phone or on site) on correcting significant deficiencies at the water systems. Region 6 appreciates the photos and documentation that have been submitted to date to clear the deficiencies. This effort is helping prevent potential 'failure to correct deficiencies' violations. In addition, Region 6 has been conducting compliance reviews on tribal drinking water projects submitted by the Tribe and/or IHS. These reviews allow EPA and the Tribe and IHS to proactively collaborate to prevent compliance issues before project construction begins. EPA encourages Tribes to notify EPA when there are water system modifications or new construction and to continue submitting drinking water infrastructure design projects for EPA compliance reviews. All of these activities, including the trainings that Region 6 provided, are part of Region 6's increased oversight of states and tribal drinking water systems to ensure compliance under the Safe Drinking Water Act. *Miguel Moreno, 915-533-7273, Meaghan Bresnahan, 214-665-8354, Jose Lugo-Figueroa, 214-665-6462, Jose Rodriguez, 214-665-8087, Jatin Mistry, 214-665-7483, Andy Waite, 214-665-7332, John Baker, 214-665-7542*

PUEBLO OF SAN FELIPE WASTEWATER SYSTEM IMPROVEMENTS

The Pueblo of San Felipe's existing Kubota membrane treatment plant was built in 2008 to treat up to 300,000 gallons per day of wastewater. The treatment plant is designed to provide near-drinking water quality effluent to be used by the Pueblo for irrigation if desired. The plant treats wastewater collected throughout the Pueblo which is carried to the plant through a series of collection lines and interceptor sewers.

- **Project Objectives and Needs**

- In order to more efficiently treat existing wastewater flows, San Felipe Pueblo will increase the capacity of its Wastewater Treatment Plant (WWTP) through the purchase and installation of additional membrane units for the Pueblo's Membrane Bioreactor System (MBR) to improve efficiency of the system.
- WWTP Improvements – Improvements will be made to the WWTP Ultra Violet (UV) disinfection system by isolating the UV system in a small room outside, but directly adjacent to the WWTP which will not share the same, somewhat corrosive, atmosphere.
- Improvements to Lift station #1 adjacent to the WWTP and installation of a filtration system / manhole to catch debris before waste is sent to the existing WWTP.

- **Environmental Results or Benefits of Project:**

- Increase number of membranes in Membrane Filtration System will not increase flows, but will allow the plant to operate more efficiently
- WWTP Improvements – UV Disinfection system isolation will improve efficiency and will help ensure proper disinfection of effluent
- Lift Station and filtration system upgrade will improve the operation of the plant, increasing efficiency and keep the WWTP from shut-downs

- **Project Schedule:**

- The new membrane installation and UV system final design is complete and work is projected to be done during calendar year 2017 and 2018.
- Lift Station and filtration system upgrade final design has to be done and construction will be performed in calendar year 2018.
- The Pueblo of San Felipe has already incurred some cost associated with the project and are expected to request approval of pre-award costs. In addition, the Pueblo is working on the project procurement.

- **Project Funding:**

The Pueblo of San Felipe received a congressional appropriation in the amount of \$165,000 which is being supplemented with Pueblo funding for a total project cost of \$300,000.

REVIEW OF WATER INFRASTRUCTURE PLANS

If a tribe is considering having new infrastructure built or added to current infrastructure, such as a well or a treatment system, EPA strongly encourages the tribe and/or IHS to send their engineering design plans to EPA Region 6 for compliance reviews. We review these plans to make sure the new infrastructure will be in line with the regulations and so that the system does not receive significant deficiencies during subsequent sanitary surveys. The point of contact for plan reviews is Jose Lugo-Figueroa, who can be reached at lugo-figueroa.jose@epa.gov or 214-665-6476; please send Jose design plans in advance of building new infrastructure and we will work with the tribe to help make sure their new infrastructure produces SDWA-compliant water. *Jose Lugo-Figueroa, 214-665-6462, Jose Rodriguez, 214-665-8087, Meaghan Bresnahan, 214-665-8354*

TRIBAL FUNDING**STATE REVOLVING FUNDS TRIBAL SET-ASIDES**

The Clean Water Indian Set Aside (CWISA) and the Drinking Water Tribal Set Aside (DWTSA) completed the FY 2017 award process.

The Region's 2017 CWISA program awarded \$2,372,100. Six projects were selected in coordination with the Oklahoma City Indian Health Service (IHS) office; Tonkawa Tribe/Pawnee Nation (\$130,000), Comanche Nation (\$200,000), Kickapoo Tribe (\$12,800), Sac and Fox Nation (\$45,800), Citizen Potawatomi Nation (\$153,000), and the Tonkawa Tribe /City of Blackwell area Tribes (\$280,500). One project was selected in coordination with the Albuquerque IHS office; Pueblo of Zuni (\$1,550,000). FY 2017 was the first time the CWISA program allocated \$2 million from the program to assist in technical and training support across the nation.

The Region's 2017 DWTSA program awarded \$1,889,000. Three projects were selected in coordination with the Oklahoma City IHS office; Ponca Tribe (\$169,250), Sac and Fox Nation (\$214,000), and the Kickapoo Tribe (\$89,000). Three projects were selected in coordination with the Albuquerque IHS office; Pueblo of Acoma (\$629,000), Mescalero Apache Tribe (\$41,750), and Mescalero Apache Tribe (\$746,000).

Final awards to the successful Tribal recipients of the projects selected and the associated CWISA and/or DWTSA were funded by September 2017. *Dena Hurst, 214-665-7283, Sal Gandara, 214-665-3194*

WETLAND PROGRAM DEVELOPMENT GRANTS - SEVERAL REGION 6 TRIBES SELECTED

The 104(b)(3) Wetland Program Development Grants are competitive grants that are part of the EPA Enhancing State and Tribal Programs effort. Funds from these grants can be used to develop and implement a Wetlands Program Plan (WPP). The Core Elements Framework (CEF) outlines the 4 core elements a WPP may include, which are: Monitoring and Assessment, Regulatory Activities including 401 Certification, Voluntary Restoration and Protection, and Water Quality Standards for Wetlands. However, the development of a WPP allows tribes to implement the CEF based on their individual program goals and available resources. Under the 2017/2018 Region 6 solicitation, the Pueblo of Jemez was selected to receive funds. The Region 6 Wetlands Program will be soliciting new grant proposals in FY2019. Our grants are solicited on a two-year cycle. For more information, please see <https://www.epa.gov/wetlands/wetland-program-development-grants> and <https://www.epa.gov/wetlands/what-enhancing-state-and-tribal-programs-effort>

Ten percent of total national WPDG funds will be set aside for a national, tribal-only competition. (About \$1.3 million per year). Tribes may apply to both RFPs with the same (or different) proposals. We anticipate the RFPs to be very similar in regards to requirements and selection criteria. Under the 2017/2018 solicitation Seneca Cayuga Nation and Kickapoo Tribe of Oklahoma were selected to receive 104(b)(3) wetlands grants.

Alison Fontenot, 214-665-7482; Wanda Boyd, 214-665-6696; Sondra McDonald, 214-665-7187

TREATMENT-AS-A-STATE FOR CLEAN WATER ACT GRANTS**PUEBLO OF ZIA TAS FOR CLEAN WATER ACT 106**

The Pueblo of Zia submitted a Treatment -As-A-State TAS application for CWA 106 on January 23, 2017. The TAS CWA 106 application was approved June 16, 2017.

Samuel Reynolds, 214-665-6682

CADDO NATION OF OKLAHOMA TAS FOR CLEAN WATER ACT 106

Caddo Nation submitted a Treatment -As-A-State TAS application for CWA 106 on August 14, 2015. The TAS CWA 106 application was approved September 29, 2016.

Samuel Reynolds, 214-665-6682

ABSENTEE SHAWNEE TAS FOR CLEAN WATER ACT 319(H)

Absentee Shawnee Tribe submitted a Treatment-As-A-State (TAS) application May 2016 for CWA 319(h) Treatment-As-A-State (TAS) non-point source program. The TAS CWA 319 (h) application was approved on October 10, 2017.

Samuel Reynolds, 214-665-6682

TONKAWA TRIBE TAS CLEAN WATER ACT 319(H)

Tonkawa Tribe submitted a Treatment-As-A-State (TAS) application for the CWA Section 319(h) nonpoint source program in June 2016. The TAS CWA 319 (h) application was approved on October 10, 2017.

Samuel Reynolds, 214-665-6682

PUEBLO OF LAGUNA TAS FOR CLEAN WATER ACT 319(H)

The Pueblo of Laguna submitted a Treatment-As-A-State (TAS) application for CWA Section 319(h) nonpoint source program in June 2016. EPA Region 6 is continuing to work with the Pueblo on their TAS application submittal.

Samuel Reynolds, 214-665-6682

THLOPHTHOCCO TRIBAL TOWN

The Thlopthlocco Tribal Town submitted a Treatment -As-A-State TAS application for CWA 106 on 27 January 2017. EPA Region 6 is continuing to work with the Tribal Town on their TAS application submittal.

Samuel Reynolds, 214-665-6682

TREATMENT-AS-A-STATE FOR REGULATORY PROGRAMS**TREATMENT IN THE SAME MANNER AS A STATE (TAS) DETERMINATIONS FOR CLEAN WATER ACT §303(C) AND §401**

Region 6 is reviewing an application for treatment in the same manner as a state (TAS) for the Clean Water Act (CWA) water quality standards (§303(c)) and water quality certification (§401) programs from the Citizen Potawatomi Nation (submitted in fall 2014). Approval of a TAS application means that the Indian tribe is eligible to administer the water quality standards

program under CWA §303(c), and is likewise eligible for purposes of certification under CWA §401. EPA's public comment and Tribal consultation period on the Citizen Potawatomi Nation's application concluded in February 2017. Region 6 received responses from the state of Oklahoma, the Sac and Fox Nation and several federal agencies. Region 6 has prepared a decision document, which has been submitted to management within Region 6 and at EPA Headquarters for review. *Diane Evans, 214-665-6677; Tina Alvarado, 214-665-2709*

CWA REGULATIONS

BASELINE WATER QUALITY STANDARDS

In June 2016, EPA initiated pre-rulemaking consultation and coordination with Indian tribes to explore an action that would establish federally-promulgated baseline water quality standards (WQS) for waters on Indian reservations that do not have EPA-approved WQS effective under the Clean Water Act. EPA published an Advance Notice of Proposed Rulemaking (ANPRM) on September 29, 2016, to receive specific and clear guidance from tribal governments and other interested parties on a proposed future federal promulgation for tribal water quality standards. (Note: EPA's current thinking is that off-reservation allotment lands for individual members would not be covered, due to difficulties in identifying these parcels with certainty in the near term.) The 90-day comment period on the ANPRM closed on December 28, 2016. EPA received comments from 35 entities, including Indian tribes, states, individuals and other organizations. EPA is reviewing these comments, along with input received from the earlier Tribal consultation periods, and will brief the new administration for further direction. Information is available at: <https://www.epa.gov/wqs-tech/advance-notice-proposed-rulemaking-federal-baseline-water-quality-standards-indian> or through the regulatory docket (<https://www.regulations.gov/docket?D=EPA-HQ-OW-2016-0405>). *Diane Evans, 214-665-6677; Tina Alvarado 214-665-2709*

2017 CWA 404 NATIONWIDE PERMIT REISSUE PROCESS:

EPA is the agency required to address water quality certification for tribes that have not received treatment in the same manner as a state for the water quality standards and CWA 401 certification program. For the Corps of Engineers' 2017 Nationwide Permits (NWP), Region 6 only issued "blanket" certification for the 52 NWPs when a tribe specifically requested that we do so. Multiple tribes did make that request. For the remainder of tribes, when a project requires a Clean Water Act, Section 404 NWP from the Corps of Engineers, application must also be made to EPA for the 401 certification of that project before construction can begin. EPA will contact the tribe involved to make sure they are aware of the project and have had adequate opportunity to express their concerns about potential water quality impacts from the project. Once that has occurred EPA will proceed with 401 certification.

At any time a tribe wishes to bypass this extra review step, Region 6 is still willing to issue the "blanket" certification for all 52 of the NWPs from the request date through March, 2022, when the five-year NWP expiration date is reached.

Thomas Nystrom, 214-665-8331

WATERS OF THE UNITED STATES

On February 28, 2017, President Trump issued an Executive Order (E.O.) on "Restoring the Rule of Law, Federalism, and Economic Growth by reviewing the 'Waters of the United States'

Rule”, directing the Administrator of the EPA and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule published in 2015, and publish for notice and comment a proposed rule rescinding or revising the rule. To meet the objectives of the E.O. in a clear and expeditious approach, the agencies have decided on a two-step approach:

- 1) an initial rulemaking to rescind the 2015 rule and reinstate the regulatory approach that has been in place for decades, and thus maintains the status quo; and
- 2) a rulemaking to revise the definition of waters of the U.S. consistent with direction in the E.O.

The agencies have taken several actions consistent with the E.O. and our two-step approach:

Step 1: The Step One proposed rule: Definition of “Waters of the United States” – Recodification of Pre-existing Rules, was published for public comment in the Federal Register on July 27, 2017, and the comment period closed on September 27, 2017. Over 600,000 comments were received by the agencies, and comments are currently being posted to the docket, which can be accessed at <http://www.regulations.gov>, docket number EPA-HQ-OW-2017-0203-0001.

Step 2: Per EPA policy, we initiated consultation with tribal governments on April 20, 2017 regarding the new definition to be developed under Step 2. The agencies held a series of meetings with various groups as part of the consultation processes and are now posting for public review each of the letters received as part of the consultation processes. Letters received from Tribes and states are posted on the EPA WOTUS Rule website under “Rulemaking Process”.

In addition, the agencies are currently holding a series of public meetings, via webinar and in person, to hear recommendations from stakeholders. This schedule may be found on the WOTUS rulemaking process website under “Outreach Meetings”. Finally, written recommendations regarding the Step 2 Rulemaking to revise the definition of “Waters of the United States” may be submitted until November 28, 2017 to a non-regulatory docket that the agencies have established. The recommendations should be submitted to <http://www.regulations.gov>, identified by Docket ID No. EPA-HQ-OW-2017-0480.

Until a new regulation is in place, the agencies will continue to implement the longstanding regulatory definition, consistent with the 2003 and 2008 agency guidance interpreting that definition in light of the *SWANCC* and *Rapanos* decisions, pursuant to the Sixth Circuit stay of the Clean Water Rule.

More information about the Waters of the U.S. Rulemaking can be found at <https://www.epa.gov/wotus-rule>
Alison Fontenot, 214-665-7482

Multimedia Division

Air Programs Branch

Tribal Consultation and Coordination:

Treatment as a State (TAS) for the Clean Air Act (CAA): On August 14, 2017, Region 6 approved the Quapaw Tribe's application requesting CAA authority under Section 105, Section 505(a)(2), Section 107(d)(3), and CAA §126(a) and (b). In addition to the Quapaw Tribe, four other Tribes in Region 6 have received TAS approval for CAA authorities including Cherokee Nation, Pueblo of Laguna, Kaw Nation, and the Peoria Tribe of Oklahoma. *Frances Verhalen, 214-665-2172.*

Oklahoma NESHAPs Delegation Tribal Consult Letter: EPA Region 6 transmitted a letter November 1, 2017, to Oklahoma Tribal Nations inviting them to consult on Oklahoma Department of Environmental Quality's (ODEQ) request to update their delegation of NESHAP standards. In addition to the requesting an update to its delegation over non-tribal lands within the State, ODEQ has requested delegation for the implementation and enforcement of the NESHAPs for all sources (both part 70 and non-part 70 sources) located on non-reservation areas of Indian country, including individual allotments and dependent Indian communities. EPA would treat as reservations trust lands validly set aside for the use of a Tribe even if the trust lands have not been formally delegated a reservation and would continue to implement the NESHAPS within those areas. The consultation letter includes a projected consultation time line from Region 6 with an invite to participate in formal, as well as informal discussion throughout EPA's delegation process. Oklahoma has indicated to EPA that they currently notify electronically all Tribes of in-state major source draft permits (Tier II and Tier III permits). Region 6 began the government-to-government consultation by holding a conference call on November 2, 2017. *Jeff Robinson, 214-665-6435.*

Tribal Permitting:

On June 5, EPA issued a 90-day stay of the fugitive emissions, pneumatic pumps, and professional engineer certification requirements from the 2016 New Source Performance Standards for the oil and natural gas industry. Additional information on the stay and reconsideration available at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry>.

Region 6 Tribal Permits:

All EPA proposed permits will be noticed via e-notice on the Region 6 webpage at <https://www.epa.gov/caa-permitting/caa-permitting-epas-south-central-region>.

In September, Williams Four Corners LLC. (Williams) informed EPA of a fire to the Ojito compressor station on Jicarilla Apache. Williams had previously requested that the existing Part 71 operating permit renewal be changed to a synthetic minor new source review (NSR) permit. The compressors at the Ojito facility will be permanently dismantled and removed. Williams

will be replacing the 3-825 hp engines with one new 1100 hp engines. Williams is requesting to utilize the oil and natural gas FIP permit-by-rule regulation promulgated on May 12, 2016, [<https://www.epa.gov/tribal-air/final-federal-implementation-plan-oil-and-natural-gas-true-minor-sources-and-amendments>] to install the new compressor engine and tanks. EPA approved Williams request on October 17, 2017. The information on the new Ojito compressor station will be posted at: <https://www.epa.gov/caa-permitting/fip-oil-and-gas-epas-south-central-region>

EPA issued the renewal of the Part 71 permit for Los Mestenos Compressor Station, located on Jicarilla Apache on August 9, 2017 and the information is at: <https://www.epa.gov/caa-permitting/part-71-operating-permits-jicarilla-apache-los-mestenos-compressor-station>

EPA is drafting a synthetic minor permit for the Lindrith compressor station for an increase in condensate throughput. Condensate increases are expected with the change in composition of the natural gas from the gathering lines of the gas production sites. Currently the facility is operating with a Part 71 permit.

We continue to provide early notification to the adjacent tribal nations in case they wish to consult on a permitting action in accordance with the Region 6 Consultation and Coordination Policy with Federally Recognized Indian Tribes. *Bonnie Braganza, 214-665-7340*

Tribal Funding:

FY2018 Tribal Air Funding: In FY2018, EPA Region 6 expects to support assistance agreements under statutory provisions of the Clean Air Act Section 103 and Section 105. In December 2017, the Office of Environmental Justice and Tribal Affairs (OEJTA) will send a collective email to Tribal Leaders including a solicitation for proposals for air projects and program activities to be conducted in FY2019. Proposals will be expected in February 2018.

In March 2018, proposals will be sent to a panel of technical and administrative Air Program staff for recommendations of approval, partial approval, and non-approval. Applicants will be notified via email of their specific recommendation and the basis for that recommendation by May 1, 2018. All awards will be finalized by September 30, 2018.

Note: The Tribal Air Guidance manual, Protecting Tribal Air Quality Options and Opportunities, is available to Region 6 Tribes as a tool to assist in project and grant proposal development for future Tribal Air funding opportunities. Due to changes with EPA's internet, the guidance document is not currently posted. However, an electronic copy of the document is shared with Region 6 tribes, annually, and may be requested throughout the year. *Aunjaneè Gautreaux, 214-665-7127.*

Diesel Emissions Reduction Act (DERA) FY2018 Tribal Funding: Status of tribal funding has not been determined. *William Rhea, 214-665-6767.*

Current and Upcoming Regulations:

Designations under the 2015 Ozone Standard: On August 2, EPA withdrew the extension to the designations date. A new schedule for designations has not been announced. We will share more specific information as it becomes available. For additional information on air quality designations for ozone, please visit our website at <https://www.epa.gov/ozone-designations>. *Carrie Paige, 214-665-6521.*

Designations for Sulfur Dioxide: EPA is developing designations for the 2010 sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) in four parts: Round 1) Existing monitoring data; Round 2) Consent Decree (CD) listed sources; Round 3) Data Requirement's Rule (DRR) air modeling; and Round 4) air monitoring for all remaining sources.

In Round 2, EPA proposed but did not finalize a designation to nonattainment for the area in the vicinity of the OG&E Muskogee plant. We are considering whether the company's planned switch to natural gas for two of the units can remove the need to finalize a nonattainment designation.

Round 3 designations will be based on modeling to characterize air quality. EPA must complete its designations by December 31. The EPA published its intended Round 3 area designations August 22. Region 6 is characterizing Round 3 sources and delineating the designation areas for each source on or nearby tribal land as follows (intended designations in parenthesis):

- Four Corners Steam Electric Station, Navajo Nation, San Juan County, New Mexico (Attainment/Unclassifiable) (Region 9 lead);
- San Juan Generating Station, San Juan County, New Mexico (Attainment/Unclassifiable);
- Continental Carbon- Ponca City Plant, Kay County, Oklahoma (Attainment/Unclassifiable);
- Orion Engineered Carbons- Ivanhoe Carbon Black Plant, Columbia Chemicals- North Bend Plant, and Cabot Corp- Canal Plant all in St. Mary Parish, Louisiana (Unclassifiable); and
- CLECO Power- Brame Energy Center, Rapides Parish, Louisiana (Attainment/Unclassifiable).

The public comment period ended September 22 and the state comment period ended October 23. No comments were received specific to these areas. *James E. Grady, 214-665-6745; Dayana Medina, 214-665-7241.*

Voluntary Programs

The Advance Program: The EPA's Advance Program supports states, tribes and local governments that want to take proactive steps to keep their air clean by promoting local actions to reduce ozone and/or fine particle pollution. Advance currently has 46 active participants located in 24 states and 9 of the 10 EPA Regions. These include 26 Ozone Advance areas, 11 PM Advance areas, and 9 areas that are enrolled in both Ozone and PM Advance. For more information, please visit <https://www.epa.gov/advance>. *Ken Boyce, 214-665-7259.*

Pesticides, Toxics, Underground Tanks Branch

Tribal Consultation and Coordination:

Oklahoma Coal Combustion Residue Permitting Program – Oklahoma Department of Environmental Quality, Program Approval: The Oklahoma Department of Environmental Quality (ODEQ) has requested review and approval of their permit program consistent with the 40 CFR 257, Subpart D pertaining to coal combustion residual (CCR) units. Their application is currently under review. There are 6 CCR facilities in Oklahoma.

On October 12, 2017, letters were sent to tribal leaders offering consultation and coordination regarding the Oklahoma Coal Combustion Residuals (CCR) Permit Program Application. On October 19, 2017, Region 6 began the government-to-government consultation and coordination by having a conference call to answer questions on the CCR program and the Oklahoma application. *Robbie Snowbarger, 214-665-7131.*

New and Upcoming Regulations:

Certification and Training Rule for Applicators of RUPs: EPA delayed the effective date of the rule until May 22, 2018. The final standards cover applicators who apply restricted-use pesticides that are not available for purchase by the general public and require special handling. The standards require that all people who are certified to apply restricted use pesticides be at least 18 years of age and that these certifications be renewed every five years. The final rule includes flexibility for states and tribes that operate certification programs to continue portions of their existing programs that are equivalent to the revised rule. *Greg Weiler, 214-665-7564.*

New Underground Storage Tanks (UST) Regulations: The new EPA UST regulations provide additional protections for UST facilities on Indian land. Deadlines for requirements taking effect were October 13, 2015, April 11, 2016, and finally October 13, 2018. Under the new construction requirements, facilities will provide early notification, resulting in better protection from petroleum leaks into the environment. The new regulations require training for three classes of operators at all UST facilities: Class A, B and C. The training must be completed prior to October 13, 2018. Several new UST facilities have been constructed on tribal lands, which had to meet the new secondary containment requirements, and one emergency generator UST was recently constructed in Oklahoma. OUST has prepared compliance assistance publications and is developing a certification test that must be taken to obtain a certification certificate. Intertribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC) are providing training to the tribes in support of the required certification. *Larry Thomas, 214-665-8344.*

Program Implementation:

Tribal Underground Storage Tanks (UST) Inspections: During FY2018, Region 6 will inspect approximately 40 UST facilities operated on Tribal lands. Individual notifications for these inspections are sent to the owner/operator and the Tribal environmental offices 30 days before the inspection. The operators of these facilities are provided compliance assistance during

the inspections. Compliance at Region 6 tribal facilities remains high, at over 88% for the last three years. *Larry Thomas, 214-665-8344; Heather Mann, 817-291-9106.*

Grants:

Pesticide Program Grants: Cooperative agreements were awarded to two tribal consortia, the Intertribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC), to assist tribes in building capacity for pesticide programs. The goal of the tribal pesticides program is to make tribes aware of the benefits and risks of pesticides and the requirements for their safe use, thereby safeguarding human health and the environment. Projects are ongoing and are meeting negotiated work plan criteria. Mid-Year reviews have been conducted. *Lee McMillan, 214-665-6404.*

Lead Paint Program Grants: The Cherokee Nation of Oklahoma was awarded a grant for 2018 to conduct a Lead Based Paint Program. The focus of the program is maintaining the appropriate infrastructure to successfully administer and enforce the lead based paint program; providing training for lead inspectors; conducting inspections of licensed contractors engaged in lead-based activities; and taking appropriate enforcement when needed. The program is ongoing and grantee is meeting all program criteria and work plan goals. The Cherokee Nation is one of only two tribes in the US that applied to EPA for treatment as a state and passed legislation to run their own lead-based paint program. *Mike Adams, 214-665-6711.*

Underground Storage Tanks (UST) Grants: The Intertribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC) grants are ongoing and are providing compliance assistance to tribal UST owners and operators. The work of these two organizations has been instrumental in maintaining a high compliance rate at Region 6 Tribal facilities. *Audray Lincoln, 214-665-2239.*

Hazardous Waste Branch

Grants:

None

New and Upcoming Regulations:

e-Manifest: The Hazardous Waste Electronic Manifest Establishment Act, signed into law by President Obama on October 5, 2012, authorizes EPA to implement a national electronic manifest system. Commonly referred to as "e-Manifest," this national system will be implemented by the EPA in partnership with industry and states. EPA is currently working with states, industry and related stakeholders to develop a national e-Manifest system that will facilitate the electronic transmission of the uniform manifest form and make the use of the manifest much more effective and convenient for users. Key Features of the Act include e-Manifest extends to all federal- and state-regulated wastes requiring manifests; the use of electronic manifests is optional for users, and authorizes central collection of data from

electronic and paper manifests; EPA is authorized to collect reasonable user fees for all system related costs including development and maintenance; EPA must conduct annual Inspector General (IG) audits and submit biennial reports to Congress; and EPA must establish a uniform effective date in all states for e-Manifest, and must implement e-Manifest until States are authorized. It is anticipated that the User Fee Rule which will provide for collecting user fees to cover the cost for developing, operating, maintaining, and upgrading the system, will be final in December 2017, and the e-Manifest system will be implemented in June 2018. ***Matt Loesel 214-665-8544 and Melissa Smith, 214-665-7357.***

Tribal Consultation and Coordination:

Fort Wingate Depot Activity, New Mexico: Fort Wingate Depot Activity (FWDA) closed under Base Realignment and Closure (BRAC) in 1993. Closure and post-closure is managed under a New Mexico Environment Department 2005 state Resource Conservation and Recovery Act (RCRA) permit for closure and post-closure. Base size at closing was 21,131 acres. Most of the facility is scheduled to be returned to the Navajo Nation and the Pueblo of Zuni. Nine of eleven land parcels, totaling 2,496 acres, were transferred to Department of Interior (DOI) via an August 3, 2017, letter from the Department of the Army to DOI. These parcels were previously approved by NMED for No Further Action and removed from the RCRA permit. Major remediation work at the former Open Detonation/Open Burn (OB/OD) Area resumed in July 2017. Tribal and BIA participation continues in the base closure process. There was a regularly-scheduled Base Closure Team meeting in Gallup on November 8, 2017. ***Laurie King, 214-665-6771.***

Facility Specific Information:

Los Alamos National Laboratory Hexavalent Chromium Groundwater Plume, New Mexico: Potassium dichromate was used in the cooling towers at some of the Los Alamos National Laboratory (LANL) power plants. It is estimated that up to 72,000 kg of hexavalent chromium cooling water was discharged into Sandia Canyon from 1956-1972. The discharged water traveled downstream approximately 2 miles to an infiltration point in Sandia Canyon, where hexavalent chromium has contaminated the regional aquifer, which is approximately 1,000 feet below ground. The most recent contaminant-characterization monitoring well to be installed was SIMR-2, located on Pueblo de San Ildefonso. The well is located slightly off-gradient of the main-plume front along the southern facility boundary. The most recent sampling at SIMR-2 occurred on June 21, 2017, and showed chromium at 4.30 ppb. The New Mexico Environment Department (NMED) standard is 50 ppb. The average background concentration of hexavalent chromium in the regional drinking-water aquifer is 4.16 ppb, with an upper tolerance limit at 7.48 ppb. The Interim Measures (IM) plume control, as implemented by LANL in 2015, consists of four extraction wells and six injection wells. LANL is currently constructing the fourth extraction well, CrEX-4, and completed the sixth injection well, CrIN-6. CrEX-4 is located along the southwest edge of the plume-front. Once CrEX-4 is completed, aquifer testing and sampling and analyses for chromium and other contaminants will take place. CrIN-6, the last injection well to be installed as part of the LANL's IM for plume control, is located along the northeastern edge of the plume-front and produces chromium at 270 ppb. Functional testing of the IM chromium plume-control pump, treat, and re-injection system is in progress. Once testing

is complete, LANL will initiate extraction and injection along the southern-facility boundary with the objective of achieving and maintaining a 50-ppb downgradient plume edge within the facility boundary. ***Laurie King, 214-665-6771.***

Management Division

OFFICE AND STAFF UPDATE

Donna Miller will be retiring December 2017 and Amy Camacho has been selected as the Region 6 Grants Management Officer. Amy has over 10 years of grants experience serving as a project officer from an array of EPA programs from both the Water and Superfund divisions, including the Clean Water and Drinking Water State Revolving Fund programs as well as the Brownfields program. Her outside experience comes from the State of Texas (Texas Water Development Board) where she directed and implemented both state and federal grant programs. She can be reached at 214.665.7175 or Camacho.amy@epa.gov.

August 2017, the Region 6 Quality Assurance Manager, Don Johnson retired. For QA questions or concerns, RTOC members can contact Walt Helmick. He can be reached at 214.665.8373 or helmick.walt@epa.gov.

Superfund Division

TRIBAL CONSULTATION AND COORDINATION

VARIOUS REMOVAL/REMEDIAL ISSUES

Pawhuska High School Emergency Response: On August 14, 2017, the Environmental Protection Agency Region 6 (EPA) was notified of the evacuation of the Pawhuska High School, due to high levels of an explosive gas. EPA dispatched an On-Scene Coordinator and contractors to conduct an assessment of the situation. EPA held daily conference calls with and coordinated closely with an active work group of tribal, state, and federal officials to determine the appropriate course of action. EPA conducted air monitoring and air sampling to confirm indoor air levels were below EPA screening level for hazardous chemicals.

On August 21, 2017, EPA participated in a public meeting hosted by the Pawhuska Public Schools. The purpose of the meeting was to summarize the incident and response efforts, discuss plans to address the seeps at the geothermal well locations and oil and gas production wells, and address concerns posed by local residents.

To address elevated levels of methane occurring outside the school from geothermal wells, EPA made recommendations and even provided design options for an emergency ventilation system. Construction of this system required the Osage Nation Congress to reach an intergovernmental agreement between the Osage Nation and the State of Oklahoma. Once the agreement was reached, the emergency ventilation system was completed on August 28, 2017. Additionally, a historic gas well located on the softball field was plugged under the authority and jurisdiction of the Osage Minerals Council, with financial assistance from the Oklahoma Office of Emergency Management.

On October 2, 2017, at the request of the Pawhuska School Administration and other members of the workgroup (Osage Nation, Osage Mineral Council, Oklahoma Office of Energy & Environment, Oklahoma Corporation Commission, Oklahoma Water Resource Board, Bureau of Indian Affairs, and the Oklahoma Fire Marshall), the EPA team returned to the site to address concerns expressed by school officials that potentially contaminated soil was left on the softball field following the plugging of the gas well. EPA conducted extensive soil sampling across the softball field. Analytical results were received and the results were reviewed by an EPA toxicologist. The analytical results for metals, volatile organic compounds, semi-volatile compounds, and total petroleum hydrocarbons were either non-detect or were below U.S. EPA Regional Screening Levels. Additionally, the arsenic concentration range was consistent with the arsenic background level in Oklahoma soil, confirming the soils at the Pawhuska High School softball field are unlikely to cause harm to people utilizing this facility.

Ronnie Crossland, 214-665-2721.

Jackpile-Paguate Uranium Mine Site: On August 2, 2017, EPA, Atlantic Richfield, and the Pueblo of Laguna met at the former mine site area to kick off the scoping activities associated with conducting a Remedial Investigation/Feasibility Study for the site.

On September 6, 2017, an Open House was held at the Pueblo gymnasium so that the community could informally meet with the Superfund technical team members including other technical parties and institutions conducting research at the site. The Superfund technical team is continuing collaboration with Atlantic Richfield on planning documents before any field work begins at the site. Preliminary field activities are expected begin in early 2018. John Meyer 214-665-6742

Quapaw Tribe: The EPA continues to work closely with the Quapaw Tribe and the Oklahoma Department of Environmental Quality (ODEQ) in implementing the Tar Creek Superfund site remedy. Since the awarding of a Remedial Action Cooperative Agreement (CA) in FY2012 for the Catholic 40, the first-ever CA in the nation where a Tribe performed a Superfund remedial action on property that they own, the EPA has continued to award the Quapaw Tribe CAs for remedial actions at Beaver Creek North (CP060), Distal 7 North (Drainage Feature), Distal 10/12, and Distal 13. CAs with the Tribe for the Bird Dog chat base, and other areas of the site, are currently being discussed.

On April 18, 2017, the EPA's RPM provided a presentation at the Institute for Tribal Environmental Professions – Tribal Superfund Working Group Training in Quapaw, Oklahoma. The RPM discussed the EPA's experience working with the Quapaw Tribe on implementing the Site's remedial actions under cooperative agreements.

A Bench-Scale Study on the use of soil amendments, led by the EPA's Environmental Response Team, was recently completed at the Catholic 40 (Quapaw tribal trust land). The purpose of the study is to determine if soil amendments can reduce the bioavailability of cadmium, lead, and zinc. The successful use of soil amendments could reduce the amount of transition zone soils (i.e., native soils underneath chat piles/bases) which would otherwise be excavated and taken to a repository for final disposal. The Quapaw Tribe, with technical assistance from the EPA and the ODEQ, will be implementing long-term performance measures at the Catholic 40 and other distal areas to determine the effectiveness of the soil amendments in meeting the remedial action objectives specified in the 2008 Record of Decision for Operable Unit 4 (Source Material). The EPA, Quapaw Tribe, and the ODEQ are discussing additional options for reducing the amount of soils that are excavated from the Site and disposed at the central repository. *John Meyer, 214-665-6742*

AWARD FUNDING

Quapaw Tribe: EPA has awarded two separate Cooperative Agreements regarding the remediation of distal areas in the Tar Creek Superfund Site:

- Tar Creek Distal 13 - \$ 286,569
- Tar Creek Distal 10 & 12 - \$4,896,088

Tony Talton 214-665-7205

Tar Creek OU5: Currently, the EPA in coordination with the tribes, states, and other federal agencies is conducting OU5 remedial investigation field sampling activities. Coordination efforts include the review and comment on the Data Gap Report, the review and development of the conceptual exposure model for the human health risk assessment, and the review and development of the field sample plan. Subsequent to the April 10, 2017, meeting to start the field event planning, efforts for the collection of data gaps included conference calls to discuss potential sample locations, tribal sample participation, and confirmation sample collection procedures. Field sampling began July 10, 2017, with scheduled activities through November 3, 2017. Throughout the field sampling event, updates and summaries of progress have been provided along with additional requests for assistance in field location and collection. The next stakeholder update meeting is scheduled for November 7, 2017, and will focus on field sample accomplishments and human health exposure parameters that will be used in the human health risk assessment. The EPA will continue to coordinate with the tribes interested in the Tar Creek Site through periodic meetings and conference calls. John Meyer, 214-665-6742

Wilcox Oil Company: An availability session will be held on November 2, 2017. The session is open to all interested in the site and the ongoing field event. On July 26, 2017, EPA presented at the annual Inter-Tribal Environmental Council (ITEC) conference on the present site conditions and upcoming activities. The last open house was held on April 13, 2017, and provided an update on current site activities. The EPA and ODEQ continue to coordinate with the tribal groups interested in the Wilcox Site. The ITEC, Sac and Fox Nation, Muscogee (Creek) Nation, Cherokee Nation, Bureau of Indian Affairs, and Indian Health Service participate in the site meetings and visits. Since finalizing the site Sample and Analysis Plan, EPA completed four field events, the most recent being in April 2017, and is currently conducting field event five which started on October 16 and is scheduled through November 8, 2017. John Meyer, 214-665-6742

Oklahoma Refining Company Superfund Site, Cyril, Oklahoma – Coordination/Meeting with the City of Cyril and Inter-Tribal Environmental Council: On April 18, 2017, EPA Region 6, along with the Oklahoma Department of Environmental Quality (ODEQ) met with the Mayor of Cyril and the Inter-Tribal Environmental Council (ITEC) concerning the status of the remedial activities being performed at the Oklahoma Refining Company Superfund Site located in Cyril, Oklahoma. EPA and ODEQ met with ITEC in the morning and with the Mayor of Cyril in the afternoon hours. Recent improvements to on-site drainage were discussed with the Mayor in addition to various site maintenance issues. Recent sampling activities conducted in Gladys Creek were discussed with ITEC. John Meyer, 214-665-6742

New Mexico Abandoned Uranium Mines: Investigations into the impacts on groundwater from legacy uranium mining and milling are continuing. The Phase 1 Ground Water Investigation was released to stakeholders and the public in September 2016. The Phase 2 Ground Water Investigation will be released in early 2018. EPA will schedule community meetings once the report is released to give a summary of the findings and answer questions.

The Ambrosia Lake non-time critical removal assessments are also continuing. Field work in the western and eastern areas of Ambrosia Lake has been completed and the central area will be completed in early 2018. The data is being utilized to prepare Engineering Evaluation/Cost

Analysis (EE/CA) Reports for these areas. This work is being funded by proceeds from the Tronox Settlement.

The Johnny M Mine Engineering Evaluation/Cost Analysis will be released to the public for a 30-day public comment period in the fall of 2017. The report identifies alternatives that were evaluated to address mine waste at the Site and identifies a preferred alternative.

Coordination meetings are held on a regular basis with Region 6, Region 9, Navajo Nation, NMED, and NMEMNRD to discuss priorities for current and future removal work in the legacy uranium mines under the Tronox settlement. The most recent meetings were held on October 25-26, 2017. *Ben Banipal, 214-665-7324, John Meyer, 214-665-6742, Ronnie Crossland, 214-665-2721*

BROWNFIELDS

128a Tribal Response Program Updates:

- The **Funding Request Guidance** for Brownfields 128a programs was published in the Federal Register September 25, 2017. Funding Requests are due to Amber Howard (howard.amber@epa.gov) by no later than December 15, 2017. *Tony Talton, 214-665-7205*
- The **National Brownfields Conference** will be held in Pittsburgh, PA December 5-7, 2017. For more information, including registration and hotel information, visit www.brownfields2017.org. *Tony Talton, 214-665-7205*
- **ENIPC** – The Eight Northern Indian Pueblo Council will be hosting an ASTM Phase I training in Santa Ana Pueblo December 11-13, 2017. Space is limited. For more information, contact Margaret Chavez. *Tony Talton, 214-665-7205*
- **Absentee Shawnee Tribe** – The Absentee Shawnee Tribe (AST), in partnership with the Oklahoma Department of Environmental Quality, has completed the Phase II assessment on the Rodeside Motel site. AST is currently evaluating cleanup options for the property. *Tony Talton, 214-665-7205*
- **The Choctaw Nation and Muskogee-Creek Nation** have begun establishing their 128a programs. These programs are among the newest 128a recipients, having received their first allocation for FY18. *Tony Talton, 214-665-7205*

Brownfields Cleanup Grant – Kickapoo Tribe of Oklahoma Update:

The Kickapoo Tribe of Oklahoma was selected to receive Brownfields Cleanup grant funding in the FY 2017 Brownfields grant competition. EPA Region 6 awarded the \$200,000 Brownfields Cleanup grant to Kickapoo Tribe of Oklahoma to cleanup up the asbestos and lead-based paint in the heritage Kickapoo gymnasium effective October 1, 2017. Based upon kick-off Brownfields Cleanup grant meeting in Kickapoo Tribal Offices in September 2017, confirmation sampling for asbestos and lead-based paint was identified as a priority before cleanup activities can begin. EPA Targeted Brownfields Assessment offered to provide confirmatory sampling assistance to

Kickapoo Tribe of Oklahoma, and the Tribe accepted offer of assistance. *Tony Talton, 214-665-7205*

TARGETED BROWNFIELDS ASSESSMENT ACTIVITIES

Santa Clara Pueblo: The Phase I ESA site visit of the Bridge Radiator Shop in Espanola, NM was completed on October 5, 2017, on behalf of the Santa Clara Pueblo. Final Phase I ESA report will be completed by October 2017. *Tony Talton, 214-665-7205*

Cochiti Pueblo: The Sustainable Reuse Options for Cochiti's gravel mine was completed in August 2017. The Kansas State University (KSU) – Technical Assistance to Tribal Brownfields will provide additional visioning/planning assistance to Cochiti Pueblo to refine reuse plans for gravel mine. The KSU assistance includes technical assistance from the University of New Mexico (UNM), Architecture School's Indigenous. The KSU and UNM met with Cochiti Pueblo point of contact and EPA Region 6 on October 25, 2017 to begin efforts to assist Cochiti Pueblo refine reuse plan for gravel mine. The Phase III ESA to develop cleanup/stabilization plan for Cochiti's gravel mine work assignment will be awarded to a DBE contractor by December 2017. *Tony Talton, 214-665-7205*

Acoma Pueblo: The Acoma Pueblo requested a Phase II ESA for the closed building (the building construction was funded by the US Department of Commerce, Economic Development Administration) generally referred to as the "EDA Building" in Acomita Village in October 2017. Also, the Acoma Pueblo requested New Mexico Environment Department (NMED) Brownfields Program to provide a Phase I and II ESA for the Acomita School complex in October 2017. A meeting with Acoma Pueblo, EPA Region 6, and the Office of Community Revitalization was held on October 25, 2017, to discuss assistance with the brownfields properties in Acomita Village that included the EDA Building, the Acomita School, and the closed gas station/convenience store. Additional discussions included Acoma Pueblo's interest in competing for Brownfields Cleanup grant funding for the closed gas station/convenience store and closed solid waste transfer station FY 2019/2020; and technical assistance available through the KSU/UNM technical assistance for tribal brownfields sites. *Tony Talton, 214-665-7205*

Laguna Pueblo: The Laguna Pueblo requested environmental site assessment assistance on Laguna Industries – a former electric circuit board manufacturing operation from NMED Brownfields Program. The Laguna Industries was evaluated by Superfund Site Assessment in the early 1990s, and a Phase I ESA was completed for this site by the Northwest New Mexico Council of Government (NWNMCOG) Brownfields Program in 2011. Currently, the Laguna Pueblo's Police staff occupy office space at the Laguna Industries site. A meeting between Laguna Pueblo Environmental, NMED Brownfields Program, EPA Region 6 (Brownfields and Superfund Site Assessment staff) and Eight Northern Pueblo Council (ENIPC) Brownfields Program was held at Laguna Pueblo on October 24, 2017, to discuss strategy on how to undertake preliminary sampling to confirm presence of suspected contaminants. NMED Brownfields, EPA Region 6 (Brownfields and Superfund Site Assessment) and Laguna Pueblo will continue to coordinate sampling efforts. *Tony Talton, 214-665-7205*

TRAINING

Tribal Environmental Lands Forum: Superfund Site Assessment staff provided a breakout session regarding “Updates for the Grants Mining District” at the Tribal Lands Environmental Forum held in Tulsa, Oklahoma in August 2017. *Ben Banipal, 214-665-7324*

Radiation Risk Assessment Training: Superfund Risk Assessor provided Radiation Risk Assessment Training in Dallas on October 4. *Ben Banipal, 214-665-7324*

Office of Environmental Justice, Tribal and International Affairs

OFFICE AND STAFF UPDATE

James Butler, Management and Program Analyst for OEJTIA, retired in September 2017. We wish James the best in retirement!

TRIBAL FUNDING

Region 6 General Assistance Program (GAP): In FY 2017, OEJTIA finalized funding actions for sixty GAP grants, including eight Performance Partnership Grants (PPGs), totaling \$7,504,064 to Pueblos, Tribal Nations and Tribal Consortia in Region 6. OEJTIA is finalizing the GAP FY 2018 funding announcement and the announcement will be sent to tribal partners and posted to the EPA Region 6 Tribal Affairs website. Applications should have a funding level of no greater than \$125,000. *Randy Gee, 214-665-8355.*

EPA-TRIBAL ENVIRONMENTAL PLANS

ETEP Update: OEJTIA finalized thirteen EPA-Tribal Environmental Plans (ETEPs) by September 30, 2017. Regions are required to work with tribal partners receiving Indian Environmental General Assistance Program (GAP) grants to establish ETEPs as outlined in the May 15, 2013 GAP guidance. The ETEPs will contain tribal environmental priorities, how the Region can assist tribal partners in achieving their priorities, and EPA's direct implementation role in Indian Country. *Randy Gee, 214-665-8355.*

TRIBAL CONSULTATION AND COORDINATION

EPA Policy on Consultation and Coordination with Indian Tribes: Opportunities for Consultation: The following tribal consultation opportunity is currently in TCOTS:

- *Oklahoma Coal Combustion Residuals (CCR) Program*
- *State of Oklahoma Request for Updating Delegation of the NESHAPs*

Tribal consultation opportunities can be viewed at www.epa.gov/tribal. *Randy Gee, 214-665-8355*

Compliance Assurance and Enforcement Division

Region 6 Conditionally Approves Operating Parameters for Medical Waste Incinerator on the Nambe Pueblo

On October 31, 2017, EPA Region 6 conditionally approved Monarch Waste Technologies' petition for site-specific operating parameters for the air pollution control equipment (APCE) to be used at the hospital/medical/infectious waste incinerator located on the Nambe Pueblo. The Pyromed 550 Pyrolysis System is subject to the New Source Performance Standards (NSPS) for Hospital/Medical/Infectious Waste Incinerators (HMIWI) (40 C.F.R. Part 60, Subpart Ec). Since the APCE is different than any of the configurations specified in the rule, a petition was required for approval prior to operation of the HMIWI. Representatives from both the Nambe Pueblo government and the economic development council have been active participants in technical meetings with Monarch and EPA to discuss NSPS substantive rule requirements and associated CAA permitting requirements prior to the petition being submitted. Since the facility is located on the Nambe Pueblo, EPA Region 6 will also be responsible for permitting the facility, in accordance with the NSPS Subpart Ec requirement for permitting such facilities.

Darrin Larson, 214-665-7115

Tribal Safe Drinking Water Act Update

We thank our Tribal and Pueblo partners for their continued efforts to work with EPA to comply with existing orders on consent to bring public water systems into compliance with National Drinking Water Standards. We are beginning to inspect Tribal and Pueblo public water systems for this fiscal year. Our inspectors will continue to contact you in advance prior to inspection. We are continuing to look at identifying Class V injection wells on Tribal or Pueblo lands. To date we have identified 4 or 5 facilities on several Tribal or Pueblo lands and we will continue to seek additional information from Tribal and Pueblo governments to determine whether there are additional Class V injection wells.

Jerry Saunders, 214-665-6470